

CITY OF PLEASANT HILL

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USE PERMIT

Application Guide

WHAT IS A USE PERMIT?

For each land use district established in the City's Zoning Ordinance, various uses are categorized as either Permitted Uses, Conditional Uses or Accessory Uses. Uses listed as Conditional Uses are subject to City issuance of a Use Permit. The purpose of the Use Permit procedure is to allow discretionary review by the City of land use proposals which because of the nature, may, if at all, be suitable only if certain conditions of approval are incorporated into the proposal. The process allows the City to ensure that such uses will be compatible with surrounding land uses and the general public interest.

In reviewing a use permit application, the Community Development Department will consider such items as building placement and size, traffic generation, compatibility with adjoining properties, and other potential impacts, and will prepare written recommendation to the Planning Commission in the form of a staff report.

Based on the staff recommendation, plus input from any other interested parties, the Commission may then impose various conditions of project approval with respect to location, construction, hours of operation, and other neighborhood compatibility factors. Before the Planning Commission makes its final decision, a public hearing is required on each use permit application.

WHAT ARE THE SPECIFIC REVIEW CRITERIA FOR A USE PERMIT?

The Zoning Ordinance requires the City to make specific findings on two issues. Positive findings must be made on the following:

1. The proposed use will not be detrimental to the health, safety and general welfare of persons residing or working in the neighborhood of the proposed use;
2. The proposed use will not be injurious or detrimental to adjacent properties or to property in the neighborhood or to the general welfare of the city; and

3. The proposed use is consistent with the policies and goals established by the general plan.

WHAT ARE THE STEPS?

Step 1 Preliminary Review - Prior to submittal of a formal application, it is recommended that the applicant discuss the preliminary proposal with staff. The staff can, if requested, respond back in writing regarding the project conformity with the Zoning Ordinance, General Plan, environmental and neighborhood concerns which may be involved, applicable site planning, building design, landscaping, and other criteria, and application fee requirements.

Step 2 Filing the Application - Application for a use permit should be made on the Community Development Department's Application for Development Review form. The application form must be accompanied by the additional supporting materials specified by the Community Development Department, including plans, drawings, and other project description information necessary to permit adequate review of the proposed action. A filing fee will be required for each use permit application in the amount set by the City Council.

A Community Development Department staff member will be assigned to review the application materials for completeness. Additional information may be required as staff review of the project progresses.

Step 3 Environmental Review - Most use permit applications must go through the City's Environmental Review Process. After submittal of a completed Environmental Information Questionnaire by the applicant, an Initial Study will be completed by the Community Development Department which consists of a preliminary evaluation of project relationships to the General Plan and Zoning Ordinance and its potentials for significant adverse environmental effects. If the Initial Study indicates no potential for significant environmental effects, a Negative Declaration (a brief statement describing why an environmental impact report is not required) will be recommended for Planning Commission approval. If, on the other hand, the Initial Study indicates that significant adverse environmental effects may occur, preparation of focused studies or an EIR may be required for Planning Commission approval.

Step 4 Planning Commission Review - The Planning Commission is required to hold at least one public hearing on the use permit application. The hearing will be held within 45 days of the application filing date. At least 10 days prior to the hearing, a notice will be published in the Contra Costa Times and a notice mailed to all property owners and residents within 300 feet of the proposed use.

Following completion of required environmental documentation, the Community Development Department will prepare a staff report which includes: (1) a description of the proposal; (2) a summary of its relationship to relevant General Plan and Zoning Ordinance provisions, as well as its environmental, land use, traffic, and other implications; and (3) related staff recommendations with respect to project approval. A copy of this report will be sent to the applicant during the week preceding the Planning Commission hearing. Copies will also be available for public review at the Community Development Department.

At the public hearing the staff will present its report and recommendations. Testimony from the applicant and other interested persons will also be permitted. The Planning Commission may then close the public hearing and make a decision to approve or conditionally approve the request, or deny the request, or may postpone the decision and continue the public hearing to a later date so that more information can be provided. After a Planning Commission decision is made, that decision will become final within 10 days unless an appeal is filed as described below.

Step 5 Architectural Review - Following Planning Commission approval of the request, most use permit applications involving construction are also subject to the City's site plan and architectural review requirements. The Architectural Review Commission has a separate application guide which can be obtained from the Community Development Department. Applicants are encouraged to apply for all approvals at the time of their original application to allow concurrent processing.

Step 6 Building Permit Issuance - After 10 days have elapsed from Planning Commission and Architectural Review Commission approvals whichever is later, and all application approval requirements and related ordinances have been complied with, the City Building Inspector may issue a Building Permit if one is required. The Building Inspector will then work to ensure that the project is completed in compliance with all permits, approved plans and related conditions.

Step 7 Business License - When the Planning Commission approves a use permit, the permittee shall wait 10 calendar days to apply for a Business License, thus allowing the appeal period to lapse. If an appeal has not been filed, then the permittee should apply and pay the necessary fee to the Finance Department for a Business License.

WHAT MUST BE SUBMITTED?

All submittal information required in the General Submittal Requirements Checklist shall be presented including the Application for Development Review form, and related fees to the Community Development Department before the application can be accepted as complete. A

letter will be sent to the applicant within 30 days indicating whether the application is complete or incomplete, and why, along with the name of the staff member reviewing the application.

MAY A DECISION BE APPEALED?

You or anyone else who is dissatisfied with the decision of the Planning Commission may appeal that decision to the City Council. To appeal, a written statement and filing fee must be filed with the Community Development Director within 10 days after the decision is made at a public meeting. A public hearing will then be set before the City Council to consider the appeal.

If no appeal to a decision is filed within 10 days, the decision will be considered final.

WHEN DOES THE PLANNING COMMISSION MEET?

The Planning Commission holds Public Hearings on the second and fourth Tuesday of every month. These meetings commence at 7:30 p.m. and are held in the Council Chambers of the City Hall.